

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

Michael Bies, )  
Petitioner, ) Case No.: CV-1-00-682  
vs. ) District Judge Susan J. Dlott  
Margaret Bagley, Warden, ) Magistrate Judge Michael R. Merz  
Respondent. )

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**AFFIDAVIT OF RANDALL L. PORTER, ESQUIRE**

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**STATE OF OHIO** :  
: ss:  
**COUNTY OF FRANKLIN** :

Randall L. Porter, after being duly sworn according to law, states as follows:

1. I am an attorney duly licensed to practice law in the State of Ohio.

2. I am employed by the Office of the Ohio Public Defender as an Assistant State

Public Defender in the Death Penalty Division.

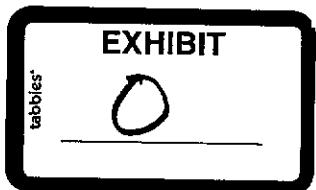
3. In that capacity I represent Michael Bies as co-counsel.

4. During the course of the federal habeas proceedings, I became aware that Dallas

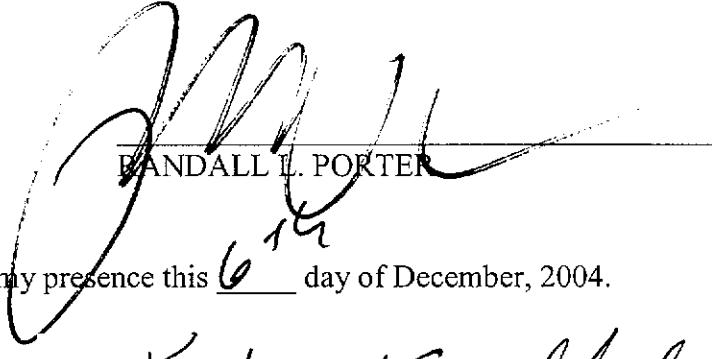
Hayes had been convicted of Gross Sexual Imposition of a Minor. I knew that Hayes was initially a suspect in the death of his stepbrother, Aaron Raines.

5. I arranged for a staff person from the Office of the Ohio Public Defender to copy the court file from Dallas Hayes Gross Sexual Imposition case

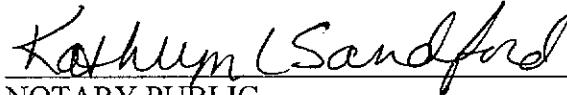
6. The court file contained the Court Clinic Competency and Insanity reports that were ordered by Judge Nurre.



Further affiant saith naught.

  
RANDALL L. PORTER

Sworn to and subscribed in my presence this 6 day of December, 2004.

  
KATHRYN L. SANDFORD  
NOTARY PUBLIC



KATHRYN L. SANDFORD, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.